

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**GEOTAG, INC.,**

*Plaintiff,*

**v.**

**7-ELEVEN, INC.; SEVEN & I  
HOLDINGS CO., LTD.; SEVEN-  
ELEVEN JAPAN CO., LTD.,**

*Defendants.*

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**C.A. NO. 2:11-cv-00424-MHS-CMC**

**JURY TRIAL DEMANDED**

**7-ELEVEN, INC.'S REPLY TO GEOTAG, INC.'S RESPONSE TO DEFENDANT 7-  
ELEVEN, INC.'S MOTION TO STAY**

Defendant 7-Eleven Inc. ("7-Eleven") files its reply in support of 7-Eleven Inc.'s Motion to Stay filed on June 18, 2012 (Dkt. No. 30).

7-Eleven respectfully requests that the Court stay this action in favor of the Microsoft and Google declaratory judgment action in Delaware. 7-Eleven incorporates by reference the prior briefing from related actions, attached to Defendants' Motions to Stay in related action Nos. 2:11-cv-00404-MHS (Dkt. No. 307) and 2:11-cv-004050MHS (Dkt. No. 355) ("the 404 and 405 Litigations) in this Reply.

GeoTag points to *Levine v. Casio America Inc.*, Civil Action No. 2:11-cv-00056-MHS (E.D. Tex. May 2, 2012) to support its argument that judicial economy would be better served by allowing both this case and the Microsoft and Google declaratory judgment action to proceed contemporaneously. The *Levine* case is inapposite for at least two reasons. First, *Levine* involved two cases with a combined total of 28 defendants, whereas the GeoTag matters involve some 20 cases and more than 400 defendants. Second, both cases in *Levine* were before the

same court. Thus, only one judge would expend judicial resources becoming familiar with the details of both cases, and any concurrent proceedings would offer a low risk of conflicting claim construction opinions. Here, GeoTag urges this Court to allow 20 separate cases involving over 400 defendants to proceed concurrently in two separate jurisdictions. These primary differences between the current case and the *Levine* case negate any judicial economy this Court achieved by allowing the *Levine* cases to proceed simultaneously.

For substantially the reasons previously set forth in the briefing from the 404 and 405 litigations, and because the *Levine* case cited by GeoTag is inapposite, 7-Eleven respectfully requests that the Court stay this action in favor of the Microsoft and Google declaratory judgment action in Delaware.

Dated: June 28, 2012

Respectfully submitted,

/s/ Avelyn M. Ross

David B. Weaver - LEAD ATTORNEY  
Texas Bar No. 00798576  
Willem G. Schuurman  
Texas Bar No. 17855200  
Avelyn M. Ross  
Texas Bar No. 24027871  
Ajeet P. Pai  
Texas Bar No. 24060376  
VINSON & ELKINS LLP  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746-7568  
Tel: (512) 542-8400  
Fax: (512) 542-8612  
dweaver@velaw.com  
bschuurman@velaw.com  
aross@velaw.com  
apai@velaw.com

***Attorneys for 7-Eleven, Inc.***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 28, 2012. Any other counsel of record will be served by first class mail on this same date.

/s/ Avelyn M. Ross